

LISA DEAN,

Plaintiff,

vs.

AMERICAN HOME PRODUCTS
CORPORATION, et al.

Defendant.

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) Case No. 4:02CV01833 ERW

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This matter comes before the Court upon Plaintiff's Motion to Consolidate [doc. #53].

The Court heard arguments from the parties on Plaintiff's Motion during a telephone conference on June 26, 2007.

Federal Rule of Civil Procedure 42(a), which governs consolidation, states:

Fed. R. Civ. P. 42(a). The Court has broad discretion in ordering the consolidation of matters,

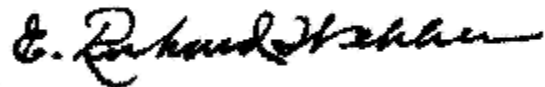
but that discretion is not unbounded. *Enterprise Bank v. Saettele*, 21 F.3d 233, 235 (8th Cir. 1994). The Court must determine whether the two proceedings involve a common party and common issues of fact or law. *Id.* (internal citations and quotations omitted).

After considering the parties arguments, the Court will deny Plaintiff's Motion. While the instant case and *Hill* share some common questions of law, the Court agrees with Defendant's argument, that the two cases present significantly different issues of fact. Notably, the Plaintiffs took the diet drugs at issue at two different time periods and have different medical histories. Further, the state law applicable to the two actions differ (West Virginia law applies in the *Dean* case, while Missouri law applies in the *Hill* case) and involves different legal standards. In short, the Court concludes the two actions present different questions of law and fact and Plaintiff has not persuaded the Court that considerations of convenience and judicial economy require consolidation.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Consolidate [doc. #53] is **DENIED**.

Dated this 28th day of June, 2007.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE